

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

U.S. BANK NATIONAL ASSOCIATION,	:	Case No. 1:16-cv-423
AS TRUSTEE FOR CSMC MORTGAGE-	:	
BACKED PASS-THROUGH	:	Judge Timothy S. Black
CERTIFICATES, SERIES 2006-2,	:	Magistrate Judge Karen L. Litkovitz
	:	
Plaintiff,	:	
	:	
vs.	:	
	:	
DERRY N. JONES, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 13)**

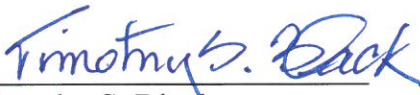
This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on August 15, 2016, submitted a Report and Recommendations. (Doc. 13). *Pro se* Defendants Derryn and Dwight Jones filed objections. (Doc. 14).¹

¹ *Pro se* Defendants removed this state court mortgage foreclosure action from Hamilton County, Ohio Court of Common Pleas to this Court. (Doc. 3). In their objections, Defendants essentially argue that: (1) the Constitution guarantees a trial; and (2) they have a right to proceed before an Article III Court. (Doc. 14). First, as explained by the Magistrate Judge, Defendants are *not* guaranteed a trial when the case can be dismissed on the pleadings for lack of subject matter jurisdiction. *See* Fed. R. Civ. P. 52. Second, Defendants do not have a right to proceed before this Court where jurisdiction is lacking because: (a) three of the defendants named in the foreclosure action are Ohio citizens so as to bar removal under 28 U.S.C. § 1441(b); and (b) the Court lacks original federal question jurisdiction under 28 U.S.C. § 1331. Accordingly, Defendants' objections (Doc. 14) are **OVERRULED**.

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations (Doc. 13) should be and is hereby adopted in its entirety. Accordingly, Defendants' motion for reconsideration (Doc. 11) and demand for findings of fact and conclusions of law (Doc. 12) are **DENIED**.

IT IS SO ORDERED.

Date: 8/30/16


Timothy S. Black
United States District Judge